

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF KANSAS**

UNITED STATES OF AMERICA,

Plaintiff,

v.

AMR CORPORATION,
AMERICAN AIRLINES, INC., and
AMR EAGLE HOLDING
CORPORATION,

Defendants.

Civil Action No.: 99-1180-JTM

**PLAINTIFF’S MOTION *IN LIMINE* TO EXCLUDE EVIDENCE
RELATED TO A MEETING COMPETITION DEFENSE**

Plaintiff United States hereby moves *in limine* to exclude evidence or argument for a “meeting competition” defense pursuant to FED. R. EVID. 402. Plaintiff believes any such argument or evidence is irrelevant because there is no judicial authority for the defense. Moreover, the defense would undermine the goals of the Sherman Act. Furthermore, even if the Court were to consider making new law, American cannot prevail on a “meeting competition” defense because it failed to act in good faith.

In support of this Motion, Plaintiff files its accompanying Memorandum.

WHEREFORE, the United States respectfully requests that the Court grant this Motion and enter an order precluding American from offering argument or evidence in support of a “meeting competition” defense.

Date: April 2, 2001

Respectfully submitted,

Plaintiff United States

By: _____/”s”/_____
Mark J. Niefer
Department of Justice, Antitrust Division
601 D Street, N.W., Suite 1200
Washington, D.C. 20004
Tel. (202) 307-6318
Fax (202) 307-2784